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Agenda item 126
Review of the efficiency of the administrative and financial functioning of the United Nations

Comprehensive report on United Nations procurement activities

Report of the Advisory Committee on Administrative and Budgetary Questions

I. Introduction

1. The Advisory Committee on Administrative and Budgetary Questions has considered the comprehensive report of the Secretary-General on United Nations procurement activities (A/62/525). The Committee also had before it the report of the Office of Internal Oversight Services on the audit of the application of the best value for money principle in United Nations procurement and the related note by the Secretary-General (A/61/846 and Add.1). During its consideration of the report, the Advisory Committee met with representatives of the Secretary-General, who provided additional information and clarification.

2. The report provides an update on measures implemented by the Secretariat in response to General Assembly resolution 61/246 relating to the report of the Secretary-General on procurement reform (A/60/846/Add.5 and Corr.1), Assembly resolutions 61/276 and 61/279 and recommendations of the Office of Internal Oversight Services and the Procurement Task Force. The Advisory Committee notes the ongoing audit by the Board of Auditors of procurement activities.

3. The Advisory Committee notes that the Secretary-General intends to submit a comprehensive report on procurement governance for the consideration of the General Assembly at the second part of its resumed sixty-second session that will cover, inter alia, the following outstanding requests made by the General Assembly in its resolutions 61/246 and 61/279 concerning: (a) the management arrangements for procurement, including clear lines of accountability and delegation of authority; (b) the findings of the working group established to examine ways in which the organizational structure could be changed to better align responsibility with authority and to improve the overall control environment for procurement for peacekeeping operations; (c) the respective responsibilities of the Department of

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Management and the Department of Peacekeeping Operations; (d) streamlined procurement procedures for peacekeeping operations in the field, including specific information on mechanisms for strengthened monitoring, oversight and accountability; and (e) the functioning of the Headquarters Contracts Committee and the local committees on contracts (see A/62/625, para. 43).

4. The Advisory Committee notes that the Secretary-General has not yet responded to the General Assembly's requests for reports concerning the division of responsibilities between the Department of Management and the Department of Field Support and on procurement governance. It was informed that those issues would be addressed in the context of the above-mentioned comprehensive report on procurement governance, which is expected to be submitted to the General Assembly in May 2008.

5. The Advisory Committee notes the detailed information provided in the annual report on procurement reform activities and progress achieved thus far (A/62/525). **While the Committee is aware that a full review of procurement reform measures will be possible only once the entire reform programme has been implemented, it encourages the Secretary-General to broaden the scope of the annual report on procurement activities to include more evidence and analysis in order to facilitate the Assembly's assessment of the progress being reported and the impact of the activities accomplished on an ongoing basis. The report should include data and other evidence to substantiate the statements on the progress achieved, information on the mechanisms that have been put into place to monitor progress and ensure that the new procedures implemented are indeed being applied and producing the intended effects, and information on the problems encountered and measures planned to redress them. Inordinate or repeated delays in the implementation of key reform measures should also be explained more fully.**

6. The report of the Secretary-General, dated 6 November 2007, provides information on the Secretariat's procurement activities during the preceding 12-month period. On request, the Advisory Committee was provided with additional information summarizing the status of implementation of the procurement reform programme as at February 2008 (see annex I).

II. Strengthening the internal control mechanism of the procurement function

7. The Advisory Committee was informed that the measures for strengthening internal controls set out in A/60/846/Add.5 were ongoing and that it was expected that the main outstanding tasks would be completed by the third quarter of 2008. A procurement reform implementation team has been established to coordinate the procurement reform agenda for the 18-month period from December 2006 to June 2008.

Ethics, integrity, conflict of interest and procurement procedures

8. The Advisory Committee notes the progress that has been made towards improving the internal control framework in the areas of training on ethics, integrity

and avoidance of conflict of interest and the development of procedures for staff, including:

(a) The development and implementation of a training programme on ethics and integrity in procurement for all staff involved in procurement activities. The Committee was informed that this involved some 1,260 personnel, including procurement staff at Headquarters and in the field as well as in the requisitioning departments, of which some 840, or 67 per cent, have been trained to date. In addition, all staff in the Department of Management, including in the Procurement Division, are required to attend an ethics training course;

(b) Revision of the policy on financial disclosure, which is now required for all staff involved in procurement activities, regardless of function and grade level;

(c) Revision and translation of the Procurement Manual and publication of a revised Manual in English and French on the United Nations procurement website, accessible by staff worldwide, including in field operations. Procedures have been put in place for the regular update and revision of the Procurement Manual on an ongoing basis to ensure that all staff are informed of policy and procedural changes. Upon request, the Committee was provided with a list of proposed procurement manual topics to be revised in 2008 (see annex II);

(d) Translation of the supplier code of conduct into the official languages of the United Nations and its publication on the procurement website, accessible by vendors and Member States;

(e) Establishment of a policy for the management of conflict-of-interest risks, promulgated by the Secretary-General in his bulletin ST/SGB/2006/15 on post-employment restrictions for staff participating in the procurement process, and by revised terms and conditions for tender documents requesting prospective vendors to disclose the recruitment of former United Nations staff;

(f) Redesign of the procurement Internet and extranet websites to communicate better with partners;

(g) Development and roll-out of a procurement training programme for staff involved in procurement activities in peacekeeping operations, at offices away from Headquarters and at Headquarters. The Committee was informed that of some 800 staff targeted, 488, or 61 per cent, have been trained to date. The training programme is planned to be completed by May 2008.

9. The Advisory Committee notes that a provisional rotation policy for staff serving in the Procurement Division is being implemented on a trial basis. It was informed that ethics guidelines for staff participating in the procurement process were under internal review, in consultation with the Ethics Office, the Office of Human Resources Management, the Office of Legal Affairs and the Department of Field Support, and would be issued in a Secretary-General's bulletin in June 2008. The Committee recalls that the Secretary-General had indicated in his report on procurement reform that the guidelines would be issued in 2006 (see A/60/846/Add.5, table 1). **The Committee is concerned about the delay in issuing these key guidelines for staff, given the sensitive nature of matters related to ethics and procurement. It reiterates that every effort should be made to resolve any outstanding issues as a matter of priority and to issue the ethics**

guidelines for procurement staff in the working languages without further delay.

Independent bid protest system

10. A key measure for enhancing transparency in the procurement decision-making process is the establishment of an independent bid protest system outside of the reporting hierarchy of the Procurement Division, providing vendors participating in tenders with a means of disputing procurement-related decisions. This is a matter of long-standing concern. The Advisory Committee recalls that in his proposals on procurement reform, the Secretary-General had proposed to establish such a system by September 2006 (A/60/846/Add.5, para. 17). Upon enquiry, the Committee was informed that the Procurement Division was holding consultations with the Ethics Office, the Headquarters Committee on Contracts, the Office of Internal Oversight Services and the Office of Legal Affairs with the aim of initiating a pilot project in the coming months based on the proposals outlined in the concept paper mentioned in paragraph 38 of the report of the Secretary-General (A/62/525), with special emphasis on resolving the issues of concern outlined in paragraph 39 of the report. **The Committee encourages the Secretary-General to launch the pilot project for the independent bid protest system and to report thereon to the General Assembly, including the experience gained, along with proposals for the implementation of the system across the Secretariat, in the context of the next report on procurement activities.**

Vendor registration/management

11. In the report of the Secretary-General (A/62/525), the activities related to vendor registration are included in section IV, which concerns the optimization of the acquisition and procurement management processes.

12. The Secretary-General reports some progress in vendor registration and management with the establishment of a Vendor Registration and Management Team in the Procurement Division, which became operational in August 2007. The Advisory Committee was informed that the team had reviewed the Division's vendor database, containing some 12,000 entries, determined that up to 50 per cent contained incomplete data and launched a campaign to complete the information in the database, which now contains reliable information on some 6,000 to 7,000 vendors. The clean-up of the vendor database has made it possible to put in place a reporting system to monitor cumulative awards, develop a vendor risk profile and ensure that contracts are awarded to qualified vendors. Furthermore, the database, which is available on the United Nations Global Marketplace website, is now accessible to Member States, along with an annual statistical report, the General Business Guide and information on system-wide procurement notices, contract awards, business seminars and supplier development courses.

13. A number of actions are still pending, including actions concerning:

- A simplified vendor registration process. The Advisory Committee was informed that the Procurement Division had prepared a business case for the simplification and streamlining of a common United Nations vendor registration process through the United Nations Global Marketplace for vendors at Headquarters, offices away from Headquarters and field missions. In addition, there are proposals for the establishment of minimum registration

criteria for local suppliers in field missions. This is a key condition for enabling the expansion of procurement activities in local markets at the start-up of peacekeeping operations. It is proposed to implement the simplified vendor registration process for a six-month trial period, after which it will be adopted Secretariat-wide. The proposal is currently under discussion within the Secretariat, at Headquarters, at offices away from Headquarters and in field missions.

- Suspect vendors. A proposal for sharing information on suspect vendors and guidelines for a common United Nations sanction mechanism against suspect vendors are under preparation by a working group of the High-level Committee on Management Procurement Network and will be presented to the Committee at its March 2008 session for review and approval.

14. **The Advisory Committee notes the efforts made to review and update the vendor database. It recommends that the Secretary-General be requested to accelerate the implementation of the simplified vendor registration process across the Secretariat. It also urges the Secretary-General to pursue discussions within the High-level Committee on Management Procurement Network actively in order to reach an agreement on the proposals regarding suspect vendors and to implement them expeditiously.**

Headquarters Committee on Contracts and local committees on contracts

15. The Advisory Committee notes that the forthcoming report of the Secretary-General on procurement governance will include detailed proposals on the functioning of the Headquarters Committee on Contracts and the local committees on contracts. The Secretary-General's considerations in this regard are outlined in paragraphs 47 to 52 of his report.

16. The Advisory Committee recalls that the secretariat of the Headquarters Committee on Contracts was transferred from the Procurement Division to the Office of the Under-Secretary-General for Management in an effort to segregate duties and processes so as to avoid conflict of interest and increase transparency. The Secretary-General is currently examining the option of increasing the current threshold for the review of procurement cases by the Headquarters Committee on Contracts from $200,000 to $500,000 with a view to improving the effectiveness and efficiency of the functioning of the Committee.

17. The Advisory Committee notes from paragraph 52 of the report that monitoring and evaluation procedures are currently being developed as part of the proposal to increase the delegation of authority, in consultation with the Office of Internal Oversight Services, the Procurement Division and the Department of Field Support. **It requests that the Secretary-General report fully on the implementation of such measures in the context of his next report on procurement activities.**

18. The Advisory Committee was informed that a training programme for the members of the local committees on contracts had been developed, focusing on the procurement and review processes. The training is conducted by members of the Headquarters Committee on Contracts and staff of the Procurement Division. The Committee was also informed that the training had already been delivered to 416 individuals, representing some 52 per cent of the total 800 to be trained.

Accountability and delegation of authority

19. In paragraphs 45 and 46 of his report, the Secretary-General outlined the procedures in place regarding accountability and delegation of procurement authority. **In the view of the Advisory Committee, the narrative sets out the method by which authority is delegated and, in general terms, the desired standard of performance. The Committee recommends that the Secretary-General now be requested to specify how managers would actually be held personally accountable for the proper application of those procedures, the performance of their duties and ethical conduct.**

III. Optimization of the acquisition and procurement management processes

20. The Advisory Committee notes that a Planning, Compliance and Monitoring Section and a Field Liaison Unit have been established to support the optimization of the acquisition and procurement management processes.

Best value for money principle

21. The Advisory Committee notes that, pursuant to General Assembly resolution 60/259, an audit has been conducted by the Office of Internal Oversight Services on the application of the best value for money principle in the procurement activities of the Organization and that the Secretary-General has issued his comments thereon (A/61/846 and Add.1).

22. Financial regulation 5.12 establishes best value for money as one of the general principles that should be given due consideration when exercising the procurement functions of the United Nations. The other three principles are fairness, integrity and transparency; effective international competition; and the interest of the United Nations.

23. As indicated by the Secretary-General in paragraphs 68 to 70 of his report, the policies and guidelines for the application of the best value for money principle in procurement are still evolving and have not yet been fully established. It appears to the Advisory Committee that there is not yet a common understanding of the definition or the application of the best value for money principle in the Secretariat. **The Committee therefore recommends that a clear definition of the principle be established and that unambiguous and transparent guidelines for its application in procurement activities be developed in order to ensure fairness, integrity and transparency, as well as effective international competition and protection of the interests of the United Nations when awarding contracts. Furthermore, the Committee emphasizes that attention should be paid, when developing the definition, policy and guidelines related to the best value for money principle, to ensuring that its application at the United Nations enables the full participation of vendors from all countries and that it does not have the effect of restricting procurement opportunities for developing countries and countries with economies in transition.**

Information technology support

24. The Advisory Committee notes the challenges faced by the Procurement Division as regards its current information systems (see A/62/525, para. 71), including the lack of integrated, real-time systems, which is said to hinder the Division's ability to optimize its operations and implement parts of its reform agenda. The implementation of the future enterprise resource planning system should be key to the efficient and effective management of Secretariat-wide procurement activities. In this context, the Committee also notes that the Division is participating actively in working groups established for the identification of functional requirements for the enterprise resource planning system. In addition, the Procurement Division intends to strengthen its acquisition support for information and communications technology to deal with the complexity and volume of procurement that is expected in connection with the acquisition of enterprise systems and the related information and communications technology infrastructure requirements.

25. **The Advisory Committee trusts that the Chief Information Technology Officer will examine the requirements of the Procurement Division comprehensively in the context of the forthcoming detailed report on the enterprise resource planning system, to be submitted for consideration by the General Assembly at its resumed sixty-second session.**

IV. Strategic management of United Nations procurement

High-level Committee on Management Procurement Network

26. The Advisory Committee notes that at its meeting in March 2007, the High-level Committee on Management designated the Inter-Agency Procurement Working Group as the new procurement network of the Committee and renamed it the High-level Committee on Management Procurement Network. The network has formed sub-working groups to focus on four broad areas, namely, United Nations reform, vendor management, procurement professionalization and access for suppliers from developing countries and countries with economies in transition.

27. **The Advisory Committee is concerned about the slow rate of progress in exploiting the potential for achieving significant savings and efficiencies and reducing duplication and waste through strengthened inter-agency coordination. It recommends that the Secretary-General be requested to intensify his efforts and exercise his leadership as Chairman of the United Nations System Chief Executives Board for Coordination to strengthen coordination and cooperation among the organizations of the United Nations system.**

Lead agency concept

28. The Secretary-General has indicated that discussions on the implementation of a lead agency concept for commonly procured products and services, aiming to achieve savings through economies of scale, continue in the context of the Procurement Network. In the meantime, the Secretariat procures goods and services through the lead agency mechanism on an ad hoc basis when other organizations within the United Nations system have existing contracts with favourable terms and

conditions. The Committee believes that the lead agency concept should be explored further in view of its potential for achieving economies of scale and eliminating duplication. **The Committee recommends to the Assembly that it request the Secretary-General to continue discussions on the lead agency concept in the framework of the High-level Committee on Management Procurement Network and to report thereon in the context of his next report on procurement activities. In that connection, the Committee also points out that the Secretary-General has not yet responded to the request made by the General Assembly in paragraphs 25 and 26 of its resolution 61/246.**

Improving procurement opportunities for developing countries and countries with economies in transition

29. The trends in procurement from developing countries and countries with economies in transition for 2001 to 2006 are illustrated in figure V of the report of the Secretary-General. The limitations of the statistical analysis of the underlying data are set out in paragraphs 85 to 88 of the report, in particular as regards countries of origin. The data can, however, be compared over a period of years, since the collection methods have been consistent. The combined purchases from developing countries and countries with economies in transition represent approximately 53 per cent of the value of Secretariat procurement, totalling $2.13 billion in 2006 (see A/62/525, table 6), an improvement from 45 per cent in 2005 (see A/60/846/Add.5, table 4).

30. The Advisory Committee notes that during the 2006-2007 period, the Secretariat has largely used business seminars to increase awareness among vendors in developing countries and countries with economies in transition. Data on the completed and planned business seminars for 2006 and 2007 (see A/62/525, table 9) indicate that a total of 43 business seminars were organized, of which 19 took place in developing countries, 3 in countries with economies in transition and 21 in industrialized countries. As at October 2007, there were 987 registered vendors from developing countries and countries with economies in transition and 4,377 from industrialized countries.

31. Other initiatives proposed for increasing opportunities for vendors in developing countries and countries with economies in transition are outlined in paragraphs 120 to 129 of the report of the Secretary-General, including:

(a) Moving from generic to targeted business seminars;

(b) Increased dissemination of information and extensive market research;

(c) Greater delegation of local procurement authority for core requirements;

(d) Streamlining and simplification of the vendor registration and management processes;

(e) Establishment of business centres in selected peacekeeping missions on a trial basis in the next financial period;

(f) Increased partnership and cooperation with other organizations of the United Nations system and Member States;

(g) Modification of vendor preselection and evaluation criteria to draw medium-sized companies, which constitute the majority of vendors in developing

countries, into the competition for contracts while ensuring fairness and wider geographical distribution;

(h) Introduction of special evaluation criteria to promote local capacity-building;

(i) Encouraging bidding by vendors from developing countries and countries with economies in transition in joint business ventures with vendors from industrialized countries.

32. In its resolution 61/276 (sect. XIX, para. 4), the General Assembly requested the Secretary-General to identify obstacles preventing the participation of developing countries and countries with economies in transition in United Nations procurement contracts. **While the Advisory Committee recognizes the merit of continuing the organization of business seminars in developing countries and countries with economies in transition, it requests the Secretary-General to pursue his efforts to implement the other initiatives outlined above and to intensify the exploration of additional innovative ways to promote procurement from developing countries and countries with economies in transition.**

V. Other issues

Procedures for peacekeeping operations

33. In his report on procurement reform (A/60/846/Add.5), the Secretary-General pointed out that the existing policies and procedures impeded fast and flexible procurement, in particular in the context of the start-up or rapid and large-scale expansion of peacekeeping missions. He emphasized the importance of meeting new and rapidly evolving requirements in very short time frames to support the Organization's ability to implement its mandate as well as to contain costs. Furthermore, the Secretary-General has repeatedly emphasized the increase in both the value and the complexity of procurement in support of peacekeeping operations, which involves sophisticated supply chains and requires the negotiation of more detailed terms and conditions of contract compared with the procurement of more generic categories of goods and services in other areas, which requires few or no negotiations with suppliers.

34. While the Secretary-General has made some individual proposals for improving the procurement process in peacekeeping operations, such as, for example, in the simplification of vendor registration, there has not been an attempt to review the policies and procedures comprehensively to meet the specific needs of field operations. **The Advisory Committee recommends that the Secretary-General be requested to address this gap in his proposals.**

VI. Conclusion

35. **Subject to the foregoing comments, the Advisory Committee recommends that the General Assembly take note of the report of the Secretary-General (A/62/525).**

Annex I

Status of implementation of proposed action on procurement reform[a]

(As at February 2008)

Category	*Completed*	*Implemented but ongoing*	*In progress*	*Not started*	*New target date*
Ethics and integrity					
Develop and implement an ethics and integrity programme for the Procurement Service			✓		31 March 2008
• All Procurement Service staff have attended a special procurement ethics training course	✓				
• In addition to the above, all Procurement Service staff have attended mandatory ethics training established for Department of Management staff	✓				
• Establishment of Ethics Office and release of the "whistle-blower" protection policy further strengthen and augment this recommendation	✓				
• Financial disclosure is required of all staff involved in procurement activities	✓				
• Ethics guidelines for procurement staff are under final internal review and are planned to be issued in 2006			Under discussion		1 June 2008
• Resources have been requested for the establishment of a Planning, Compliance and Monitoring Section to lead, among other responsibilities, the ethics and integrity programme for the Procurement Service	✓				
• In the meantime, a few staff are temporarily undertaking this responsibility on a part-time basis	✓				
Management and staff					
Significant reinforcement of Procurement Service resources	✓				

[a] As set out in document A/60/846/Add.5 and Corr.1.

Category	*Completed*	*Implemented but ongoing*	*In progress*	*Not started*	*New target date*
• In addition to the resources requested under the support account for peacekeeping operations, further resources are being proposed	✓				
Develop and implement a communications programme for the Procurement Service			(Plan to be developed)		1 March 2008
• Communications are regularly sent to all staff and various offices on procurement issues	✓				
• A weekly management meeting is held with Procurement Service section chiefs for communication of management issues; periodic meetings are held with all procurement staff	✓				
Review current appointments of chief/director of administration and section chief with fiduciary responsibilities	✓				
• Appointment for senior staff involved in procurement are being reviewed and action is being taken in accordance with the established procedures for new appointments	✓				
Establishment of new management structure: one D-2 and two D-1 posts			(Recruitment in progress)		31 March 2008
There is proper care and attention to selection of employment of staff in Department of Peacekeeping Operations missions for posts with significant fiduciary responsibilities		Department of Peacekeeping Operations			
• Action is being taken for selection of field procurement staff through the technical clearance process in place whereby these are reviewed by the Procurement Service		✓			Ongoing
Procurement process					
Update the Procurement Manual	✓				
• Release of new amendments to Procurement Manual in June 2006 and November 2007	✓				

Category	*Completed*	*Implemented but ongoing*	*In progress*	*Not started*	*New target date*
• Continuous/regular amendments to manual to reflect best practices		✓			Ongoing
Management of conflict-of-interest risks by requesting prospective vendors to disclose recruitment of former United Nations staff			✓		
• Revised terms and condition for tender documents in effect to address the issues that have been put in place			✓		
• Promulgation of the Secretary-General's bulletin on post-employment restriction and updating of supplier code of conduct	✓				
Strengthen the invoice payment approval functions	✓				
• Ongoing management effort to comply with established procedures in invoice processing		✓			
• Transfer Department of Peacekeeping Operations invoice-processing functions from procurement units to finance units to ensure segregation of duties in peacekeeping missions, under way, to be completed by year's end	✓				
Strengthen the procedure for obtaining and maintaining performance bonds through an exhaustive inventory and follow up with vendors when bonds are not provided in compliance with contracts	✓				
• An ongoing management effort to follow up with vendors for compliance with contractual requirements		✓			
• Inventory completed and database updated prior to transfer of the functions to maintain performance bonds to the Treasury	✓				
• Responsibility for maintenance of performance bonds has been transferred to the Treasury	✓				
Procurement Reform Implementation Team to implement an online Procurement Manual and content management system			✓		30 June 2008

Category	*Completed*	*Implemented but ongoing*	*In progress*	*Not started*	*New target date*
Governance					
Monitor cumulative awards to each vendor and develop a vendor risk profile		✓			Ongoing
• A reporting system is already available to monitor cumulative awards	✓				
• In the future to be managed by a Planning, Compliance and Monitoring Section		✓			Ongoing
• In the meantime, a risk-profile review for various new contracts is being undertaken	✓				
Proactively track and act upon critical assessment and audit findings	✓				
• An ongoing management initiative with further emphasis being placed on complying within agreed time frames to all audit findings		✓			Ongoing
Establish effective management reporting processes	✓				
• Diagnostic tools have been developed to identify potential anomalies in financial transactions and review enhancement of current reporting system	✓				
• Further enhancement to be implemented in conjunction with the introduction of the enterprise resource planning system			✓		Ongoing beyond June 2008
Identify and prioritize existing systems improvement opportunities					
• To be implemented as part of the Procurement Reform Implementation Team agenda in consultation with other stakeholders		✓			Ongoing
Restructure the Headquarters Committee on Contracts	✓				
• The Secretariat of the Committee is no longer under the control of the Chief Procurement Officer and is now attached to the Office of the Under-Secretary-General for Management	✓				

Category	*Completed*	*Implemented but ongoing*	*In progress*	*Not started*	*New target date*
• Resources have been requested under the support account for peacekeeping operations to strengthen its capacity	✓				
• A review of Committee procedures has been undertaken	✓				
Conduct organizational assessment of the Procurement Service	✓				Ongoing
• An initial assessment for organizational changes has been completed and resources have been requested for the establishment of additional posts in a revised organizational structure of the Service	✓				
• A joint working group of the Department of Management and the Department of Peacekeeping Operations will review the establishment of clear and effective lines of authority, responsibility and accountability between Headquarters and field offices for procurement	✓				Informal working group of the Department of Field Support and the Procurement Division
• To be implemented by the Procurement Reform Implementation Team (in conjunction with the Department of Management and the Department of Field Support; not a specific deliverable)					
Information systems					
Document procurement system functional requirements			✓		30 June 2008
• To be implemented by the Procurement Reform Implementation Team in consultation with the Information Technology Services Division					
• Work has begun on identifying main requirements for updating the present field procurement system to take Headquarters requirements into consideration			✓		

Category	*Completed*	*Implemented but ongoing*	*In progress*	*Not started*	*New target date*
• Other options, including use of enterprise resource planning and open source software, are to be reviewed by defining and validating procurement and financial system requirements			✓		30 June 2008
Participate in enterprise resource planning system selection and implementation			✓		Ongoing beyond June 2008
• To be undertaken as part of the Secretary-General's reform proposal					
Efficient acquisition planning and coordination					
Prepare adequate plans with formal inputs from peacekeeping missions based on actual needs		✓			Ongoing
• An ongoing management effort to ensure proper acquisition planning has been intensified to ensure coordinated procurement actions		✓			
Perform strategic planning		✓			
• Action is being taken for improved acquisition planning, consolidation of requirements and use of longer-term contractual arrangements, including collaboration with other United Nations organizations under the lead agency concept, which will result in overall cost avoidance for the acquisition of goods and services for the United Nations system as a whole		✓			Ongoing
Contract management					
Review the adequacy of procedures for handling disputes with vendors			✓		31 March 2008
• To be implemented by the Procurement Reform Implementation Team in consultation with the Department of Peacekeeping Operations and the Office of Legal Affairs					

Category	*Completed*	*Implemented but ongoing*	*In progress*	*Not started*	*New target date*
• Monitoring of adequacy of procedures to be taken over by the Planning, Compliance and Monitoring Section once established				✓	30 June 2008
In consultation with the Department of Peacekeeping Operations and the Office of Legal Affairs, establish a mechanism to coordinate operational action in dealing with protests			✓		31 March 2008
Clarify the best value for money principle and provide training to procurement staff		✓			Ongoing
Career development programme					
Work has commenced by the Procurement Reform Implementation Team with assistance from the Office of Human Resources Management in developing competency modules for the Procurement Service			✓		30 June 2008
Work has commenced by the Procurement Reform Implementation Team with assistance from the Office of Human Resources Management in revising hiring standards and processes for the procurement staff			✓		30 June 2008
Update the performance management process in the Procurement Service			✓		30 June 2008
• A review of new policies and rules for management of procurement staff is being initiated in consultation with the Office of Human Resources Management			✓		30 June 2008
• Additional changes in performance management will be part of the Procurement Reform Implementation Team agenda		✓			Ongoing
Increase procurement opportunities for and participation of vendors from developing countries and economies in transition		✓			

Annex II

Major Procurement Manual revision topics proposed for 2008

1. Explanation/description of the four procurement principles, including best value for money
2. Invoicing
3. Sustainable/green procurement
4. Authority and delegations of authority; structure and authority of the Procurement Division
5. Ethics and professional responsibility (e.g., post-employment obligations)
6. Fraud
7. Vendor registration procedures and requirements
8. Acquisition planning
9. Requisitions
10. Exceptions to competitive bidding; exigency
11. Identification of invitees, expression of interest
12. Form and content of solicitation documents
13. Performance/bid bonds
14. INCOTERMS international commercial terms
15. Issuance of solicitation documents
16. Contact with bidders
17. Form and transmission of submissions
18. Treatment of submissions, e.g., receipt and opening of bids
19. Bid summary sheet; solicitation abstract sheet
20. Source selection, e.g., evaluation of bids/proposals, awards
21. Trade-in
22. Best and final offer; negotiation with vendors
23. Headquarters Committee on Contracts, local committees on contracts: organization, authority, thresholds, cases requiring review, ex post facto cases
24. Contractual instruments
25. Letters of assist/memorandums of understanding
26. Bid protest system (Vendor Review Board) and vendor debriefing
27. Delivery/receipt of goods/services: procedures
28. Contractor performance evaluation and rating

29. **Sale of United Nations property**

30. **Filing system/document management**

31. **Emergency/accelerated procurement**

32. **Whether certain provisions relating to missions should also apply to offices away from Headquarters**

33. **Standards to guide discretionary decisions (e.g., acceptance of late bids; acceptance of unsolicited submissions)**

34. **Addressing changing structure of Procurement Division and other offices**

35. **Procurement of legal services and other complex professional services**

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The situation in Afghanistan

Security Council
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The situation in Afghanistan and its implications for international peace and security

Report of the Secretary-General

I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 62/6 and Security Council resolution 1746 (2007), in which the Council decided to extend the mandate of the United Nations Assistance Mission in Afghanistan (UNAMA) until 23 March 2008. The report reviews the activities of UNAMA since my last report, dated 21 September 2007 (A/62/345-S/2007/555). The Security Council received an oral briefing on the situation in Afghanistan on 15 October 2007.

II. Overview

2. Two years after the adoption of the Afghanistan Compact, the political transition continues to face serious challenges. The Taliban and related armed groups and the drug economy represent fundamental threats to still-fragile political, economic and social institutions. Despite tactical successes by national and international military forces, the anti-Government elements are far from defeated. Thirty-six out of 376 districts, including most districts in the east, south-east and south, remain largely inaccessible to Afghan officials and aid workers. This hinders the delivery of humanitarian assistance to vulnerable people, a situation exacerbated by the harsh weather conditions of the past few months. Meanwhile, poor governance and limited development efforts, particularly at the provincial and district levels, continue to result in political alienation that both directly and indirectly sustains anti-Government elements.

3. Against this background of concern, the Government has identified improving subnational Government as a priority. The effort of the Independent Directorate for

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Local Governance to reconnect provincial administrations to central Government structures has begun to bear fruit. Further, the initiative demonstrates that the Government fully recognizes the extent to which corruption undermines its credibility and fosters public mistrust, which is, at the very least, a prerequisite for decisive action to address the problem. Equally, through active preparation for and engagement in the seventh meeting of the Joint Coordination and Monitoring Board, in Tokyo on 6 February, the Government has demonstrated a renewed commitment to tackling the narcotics problem with the support of its international partners.

4. On another positive note, the international community remains strongly engaged in Afghanistan. More efforts, however, are needed to improve the impact and coordination of aid and to ensure that international assistance is driven by demand rather than by supply and is prioritized according to Afghan needs. In this respect, the United Nations stands ready to respond to recent calls to assume a more central role in the coordination of international assistance to Afghanistan. In order to perform this role effectively, however, all parties concerned need to firmly commit to working together in closer cooperation, in support of the Government of Afghanistan.

III. Key political developments

A. National Assembly, political parties and elections

5. Over the past few months, the Lower House (Wolesi Jirga) of the National Assembly has submitted a number of laws and agreements to the Upper House (Meshrano Jirga) for approval, including the labour law, the mines law, the cooperatives law and the Framework Convention on Tobacco Control. In addition, following hearings, the Wolesi Jirga confirmed presidential nominees for the positions of Minister for Refugees, Head of the Central Bank and the final Justice of the Supreme Court.

6. While these examples demonstrate that the relationship between the legislature and the executive branch can produce positive results, important tensions still exist. After extensive debate, the media law was approved by both Houses, but was rejected by the President on the grounds that it was too restrictive. At its seventh meeting the Joint Coordination and Monitoring Board called for early adoption of the law in accordance with the basic principles of freedom of expression enshrined in the Afghan Constitution and international human rights treaties to which Afghanistan is a party.

7. Tensions between the executive and legislative branches were also heightened following a suicide attack against a parliamentary delegation visiting Baghlan, in which the spokesperson of the opposition was among those killed (see para. 19 below). The Wolesi Jirga called for a number of Government officials to be suspended for their failure to ensure security. Following a closed session held in November 2007, in early December the Wolesi Jirga submitted to the President a draft national security proposal recommending that the Afghan National Army (ANA) and Afghan National Police (ANP) be strengthened; that consideration be given to reconciling with anti-Government elements; and that coordination between international military and Afghan forces be improved. The executive has not yet responded to the proposal.

8. Both the executive and legislative branches have begun to focus on the upcoming elections. The Government approved a draft electoral law in November, which is being reviewed by the National Assembly. Parliamentarians have appealed for inputs from all Afghan political stakeholders in an attempt to harmonize views on contentious issues such as the electoral system. Both the electoral law and a draft law regulating the structure, duties and responsibilities of the Afghan Independent Electoral Commission need to be urgently adopted for elections to be held, as currently scheduled, in 2009 and 2010.

9. Discussions are also being held on the possibility of holding presidential and parliamentary elections simultaneously, rather than one year apart. From a technical point of view, the first option would be more cost-effective. There are a number of constitutional and legal issues, however, that must be agreed upon if such a harmonization is to take place. The President has requested the three branches of Government to consider the feasibility of holding simultaneous elections in 2009 or 2010. While the Wolesi Jirga voted on 13 February to hold separate elections, discussions are continuing in the Meshrano Jirga and other branches of government. At its seventh meeting the Joint Coordination and Monitoring Board highlighted the need for the Government of Afghanistan to make an urgent decision on the election calendar so that planning and voter registration can move forward.

10. The next elections will be the first to be administered by the Afghan authorities since the Bonn agreement. The United Nations is providing assistance to the Afghan Independent Electoral Commission in its preparations for the elections and the voter registration process. The Electoral Assistance Division of the Department of Political Affairs conducted a needs-assessment mission to Afghanistan in late 2007. The mission consulted with Government officials, parliamentarians and representatives of political parties and the judiciary, and worked closely with the Electoral Commission, representatives of the international community and United Nations agencies to identify potential areas for United Nations electoral assistance.

B. Provincial developments

11. Provinces not affected by anti-Government violence have demonstrated an increasing capacity for delivering governance and economic development. In the eastern region, particularly the provinces of Nangarhar and Kunar, the local Government has been able to strengthen its relationship with local communities. ANA and ANP have begun to establish a presence in areas that were previously controlled by insurgents. Such intensified efforts by the Government to deliver security and basic services at the local level reflect increasing recognition that the public's confidence in the Government is essential to ensuring stability.

12. In the western province of Farah, however, insurgents were able to temporarily seize control of several district centres. In those areas, local police and militia forces have been the object of numerous complaints from the population, alleging their involvement in organized crime and narco-trafficking, as well as collusion with the Taliban. The absence of the International Security Assistance Force (ISAF) or reliable Afghan national security forces also enabled relatively small roving groups of insurgents to launch attacks where and when they chose.

13. After the withdrawal of ISAF troops from Musa Qala in early September 2006 and the subsequent takeover of the district by the Taliban in January 2007, the area remained beyond the reach of the Government of Afghanistan. Musa Qala was also one of the few districts in which the Taliban established their own administration and judiciary. The town was retaken by the Government in mid-December 2007, following a military operation, requested by local leaders, which was planned and led by ANA and supported by international military forces. In spite of that operation, the situation in Musa Qala remains tense and the Taliban continue to exert influence in a number of surrounding districts.

C. Regional environment

14. On 20 October 2007, Afghanistan hosted the seventeenth meeting of the Council of Ministers of the Economic Cooperation Organization in Herat. The main focus of the meeting was on completing regional transportation and energy infrastructure, as well as on creating an enabling business environment. Subsequent meetings between Afghanistan and its regional partners resulted in the signing of a $500 million agreement on delivering electricity from Tajikistan and Kyrgyzstan to Afghanistan and Pakistan and the adoption of the Kabul Declaration on Promoting Regional Electricity Cooperation between Central and South Asia.

15. Afghanistan and the Islamic Republic of Iran continued efforts to find mutually acceptable solutions to the problem of Afghan refugees and illegal migrants. In 2007, only 7,054 registered Afghan refugees in the Islamic Republic of Iran chose to return home, while more than 363,000 unregistered Afghans have been forcibly returned from there to Afghanistan since April 2007. On 16 January 2008, following a formal protest from the Government of Afghanistan against the deportations conducted the previous day, and in the light of the unusually severe winter conditions, the Islamic Republic of Iran agreed to suspend the expulsion of illegal Afghan residents. The two countries are now negotiating an agreement on the terms of the Islamic Republic of Iran's offer to issue 300,000 work visas for Afghan citizens.

16. The relationship between Pakistan and Afghanistan remains crucial to stability in Afghanistan and the region. During President Karzai's visit to Islamabad on 26 and 27 December 2007, which built on the successful peace jirga of August 2007, the leaders of both countries referred to extremism and terrorism as their common enemy and expressed their resolve to combat it by further improving existing mechanisms for the exchange of information. It is expected that the momentum from these positive developments will continue, particularly in terms of the holding of the second round of the peace jirga, which was suspended until the holding of the elections in Pakistan.

IV. Security

17. In 2007 the level of insurgent and terrorist activity increased sharply from that of the previous year. An average of 566 incidents per month was recorded in 2007, compared to 425 per month in the previous year. Of the over 8,000 conflict-related fatalities in 2007, over 1,500 were civilians.

18. Afghanistan remains roughly divided between the generally more stable west and north, where security problems are linked to factionalism and criminality, and the south and east characterized by an increasingly coordinated insurgency. In fact, even within the south, conflict has been concentrated in a fairly small area: 70 per cent of security incidents occurred in 10 per cent (40) of Afghanistan's districts, home to 6 per cent of the country's population. A worrying trend, however, was the gradual emergence of insurgent activity in the far north-west of the country, an area that had been calm, as well as encroachment by the insurgency into Logar and Wardak provinces, which border Kabul.

19. The tactics of the anti-Government elements changed noticeably in 2007. The superiority of Afghan and international security forces in conventional battles has forced opposing groups to adopt small-scale, asymmetric tactics aimed largely at the Afghan National Security Forces and, in some cases, civilians: improvised explosive devices, suicide attacks, assassinations and abductions. There were 160 actual suicide attacks in 2007, with a further 68 thwarted attempts, compared to 123 actual and 17 thwarted in 2006. An attack against a parliamentary delegation visiting Baghlan province killed the spokesperson for the opposition, Sayed Mustafa Kazemi, and resulted in the deaths of at least 63 other persons, including 6 children. On 14 January 2008, terrorists attacked the Serena Hotel in Kabul. Eight people were killed in the attack and nine injured, some of them Afghans and some from other countries. On 17 February 2008, in the country's bloodiest attack since 2001, a suicide bomber killed 67 civilians and 13 ANP personnel, including the District Commander, and wounded 90 others in Arghandab district, near Kandahar. The next day, 35 civilians were killed and 28 other persons, including three ISAF soldiers, were injured when a vehicle-borne improvised explosive device hit an ISAF convoy in the border town of Spin Boldak. Although the insurgency has support in and draws strength from elements within the Afghan community, the support of foreign-based networks in providing leadership, planning, training, funding and equipment clearly remains crucial to its viability.

20. Of particular concern has been the increase in the number of attacks against local and international humanitarian workers. Over 40 convoys delivering food aid for the World Food Programme (WFP) were attacked and looted in 2007. In over 130 attacks against humanitarian programmes, 40 humanitarian workers were killed and 89 abducted, of whom seven were later killed by their captors.

V. Security sector and rule of law

A. Afghan security forces

21. ANA currently has a fielded strength of over 49,000, as compared to the 80,000 recently endorsed at the seventh meeting of the Joint Coordination and Monitoring Board. It will be primarily a light infantry force composed of 13 infantry brigades, 1 commando brigade and 1 mechanized brigade organized into five corps. ANA is, however, forced to fight an insurgency as it builds its strength in the short term, while also trying to develop a professional cadre for the longer term. Its ability to meet these challenges will rely largely on the capacity of ISAF to field sufficient operational mentoring teams.

22. In terms of professionalism and performance, ANP continues to lag behind ANA. Reform initiatives have been slow to take effect, corruption remains a significant problem and fiscal, personnel, materiel and weapons accountability processes remain unreliable. A headcount of ANP conducted in August and September 2007 uncovered major discrepancies between the actual number of its personnel on the ground and those on the payroll. As a result, in October 2007 the Joint Coordination and Monitoring Board, at its sixth meeting, called for a review of the quality and structures of ANP as well as for a report on actions taken to harmonize the payroll with actual police numbers. At its seventh meeting the Joint Coordination and Monitoring Board called on the International Police Coordination Board, which coordinates all international efforts to support the reform of the Ministry of the Interior and ANP, to develop an overarching reform strategy for the police, balancing the needs of law enforcement and counter-insurgency.

B. International forces and civil-military coordination

23. ISAF, with its current strength of 41,700 troops, conducted several successful operations in unstable areas and continued to provide valuable assistance through its provincial reconstruction teams. On the other hand, its effectiveness is hampered by insufficient troop strength and by national caveats limiting the functions of some troops. Coordination with the Afghan national security forces and the international community has improved, and the ISAF operational mentor and liaison teams are proving to be an effective vector for increasing the Afghanization of security. Significant decisions will also need to be made in 2008 on the short-term deployment of 3,200 United States Marines and on how to harmonize the activities of the provincial reconstruction teams. In 2008 an important rebalancing of responsibility will be required between ISAF and the Afghan national security forces in respect of leadership and primacy in the security field, as the latter become more capable.

C. Rule of law

24. The Ministry of Justice, whose capacity remains limited, continues to be overburdened by the amount and complexity of legislation awaiting drafting, scrutiny and review. The Ministry, as well as the Supreme Court and the Attorney-General's Office, continue to experience a significant lack of resources, infrastructure and qualified and experienced judges and prosecutors. The establishment of the National Legal Training Centre has resulted in the provision of "stage" training to those being inducted for judicial or prosecutorial service. However, threats and bribery make it difficult to recruit, deploy and retain qualified justice officials of integrity in areas where they are most needed. Low salaries also contribute to creating conditions conducive to corruption. Further, the lack of transparent and merit-based processes for appointments and career advancement and the absence of effective and fair mechanisms for investigating ethical-code violations result in insufficient accountability, undermining public trust in the judicial system.

25. While public access to courts and legal aid is a constitutional right, it remains elusive to the majority of Afghans, especially women, children and vulnerable groups. This problem is compounded by the fact that public awareness of legal

rights and processes is limited. Data from the Ministry of Justice, for example, show that 20 per cent of children in custodial institutions are accused of offences that are not crimes under Afghan law, such as running away from home. Further, a recent study of 22 provincial juvenile facilities by the United Nations Children's Fund (UNICEF) and the Afghanistan Independent Human Rights Commission pointed to a general lack of due process in the juvenile justice system. The study revealed that only 24 per cent of juveniles had contact with a lawyer during detention, 56 per cent reported that their statement was not given voluntarily and only 9 per cent were advised of their rights upon arrest.

26. Nevertheless, there have been slow improvements in infrastructure development for the legal system, and a private corps of lawyers continues to grow. The November 2007 advocates law permitted the establishment of an independent bar association with over 400 registered attorneys. The law also reassigned responsibility for providing legal aid from the Supreme Court to the Ministry of Justice, whose new legal aid unit is receiving greater support from international and national stakeholders. Following the July 2007 Rome Conference on the Rule of Law in Afghanistan, the national justice sector strategy was developed, as well as the National Justice Programme, which will, over the next three years, focus on strengthening Afghan capacity to deliver legal services with integrity and accountability, ensure public access to courts and legal aid and improve public awareness of legal rights and processes, while promoting the coordination of donor activities. Eight short-term projects addressing immediate needs of the justice sector have already been funded and are currently being implemented.

D. Mine action

27. The issue of landmines and explosive remnants of war continues to be a significant threat to the Afghan population and an impediment to recovery, with over 700 square kilometres of land still suspected of containing landmines or other munitions. In 2007, 138 persons were killed and 429 others injured by landmines and explosive remnants of war, of whom approximately 50 per cent were children. During the report period, the United Nations-managed Mine Action Centre for Afghanistan continued to coordinate the Mine Action Programme for Afghanistan with 23 implementing partners. The Programme cleared approximately 168 square kilometres of land, resulting in the destruction of 26,401 anti-personnel landmines, 649 anti-tank landmines and 1,659,302 items of unexploded ordnance.

28. Afghanistan achieved a number of key national milestones in the area of mine action during the reporting period. The United Nations assisted the Government in fulfilling its obligation under article IV of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction and its National Development Strategy benchmark by destroying the last of all known stockpiles of anti-personnel landmines in October 2007. In December 2007, a mine action symposium, organized by the Ministry of Foreign Affairs with United Nations support, resulted in an agreement for the establishment of an inter-ministerial body, which will provide governmental oversight of mine action nationally and facilitate the transition of responsibility from the United Nations to the Government.

E. Counter-narcotics

29. Since my last report, counter-narcotics efforts have gained significant momentum. In response to the alarming increase in opium cultivation and production in 2007, the problem was extensively debated in the Policy Action Group, by the Afghanistan National Development Strategy working group, by the Government Oversight Committee and by the Joint Coordination and Monitoring Board at its seventh meeting. During the reporting period, a United Nations Office on Drugs and Crime adviser supported the Ministry of Counter-Narcotics in reconciling diverse positions on counter-narcotics efforts within the Government and the international community, identifying areas of consensus and producing an agreement on priority actions to be taken. At its seventh meeting the Joint Coordination and Monitoring Board endorsed the Government's Prioritized Implementation Plan for the National Drug Control Strategy, which includes an eradication target of 50,000 hectares for 2008, focusing on large landowners where possible. The Government will provide force protection to counter-narcotics operations, bearing in mind the powerful link between the drug industry and the insurgency. The plan strongly emphasizes the importance of alternative development, a province-centred approach and strengthened donor support for the Counter-Narcotics Trust Fund, the successful restructuring of which is essential to its improved performance. The overriding challenge now remains delivery. There is an urgent need to strengthen enforcement activities, not only on eradication but also on interdiction of trafficking in illicit drugs (including chemical precursors) and dismantling of production facilities.

30. The implementation of the national drug control strategy has been limited, although, following the announcement of the 2007 opium production figures, interdiction efforts increased marginally, in part because of support from ISAF and improved delivery by the Criminal Justice Task Force, which deals with major drug offenders. Significantly, the Independent Directorate for Local Governance announced that provincial governors would be evaluated on their performance in respect of counter-narcotics obligations. There is an urgent need for strengthened counter-narcotics leadership based on clarity regarding the roles and responsibilities of the Ministry of Counter-Narcotics and other relevant authorities. While the Joint Coordination and Monitoring Board was informed at its seventh meeting that General Khodaidad, Acting Minister for Counter-Narcotics for over seven months, had been appointed Minister, at the time of writing, the confirmation of his appointment was pending in the parliament.

31. In 2008 opium-poppy cultivation is not expected to change significantly, according to the Opium Winter Rapid Assessment Survey issued by the United Nations Office on Drugs and Crime in February. Cultivation remains concentrated, and is likely to increase, in the insurgency-affected provinces in the south and west. No major change is expected in Helmand province, which accounted for over half of Afghan production last year. While, on a positive note, 12 provinces are expected to remain free of opium cultivation this year, Afghanistan is emerging as one of the largest suppliers of cannabis in the world, with an estimated 70,000 hectares of cannabis crops cultivated in 2007.

F. Disbandment of illegal armed groups

32. Progress has been made on the disbandment of illegal armed groups. Out of 51 targeted districts, 21 have complied with the programme, and 161 illegal armed groups were disbanded. Over 1,050 individuals were arrested or disarmed and 5,700 weapons confiscated. The Afghanistan New Beginnings Programme supported by the United Nations Development Programme (UNDP), continues to promote capacity-building, in particular through the establishment of a dedicated cell for the disbandment of illegal armed groups, within the Ministry of the Interior, to support the transition to full Government control of the disarmament process.

VI. Governance

33. On 30 August 2007, the Government established the Independent Directorate for Local Governance, in acknowledgement of the importance of improving governance at the subnational level. The Independent Directorate is responsible for the supervision of provincial governors, district administrators and municipalities and for providing support to provincial councils. The merging of all subnational administration organs should enhance accountability for the provision of services to local communities.

34. The Independent Directorate for Local Governance is striving to connect the Government to communities across the country, particularly in provinces where the security situation is unstable. In Wardak province, the Independent Directorate conducted field visits and employed local leaders to monitor service delivery. In Musa Qala, the leadership of the Independent Directorate resulted in improved coordination between the Government and the international community. Initial steps have been taken to improve the implementation of provincial and district-level efforts on governance, police reform, rule of law, disbandment of illegal armed groups and counter-narcotics. The Independent Directorate is also seeking to improve the performance of provincial development committees. Over the past six months, five provincial governors vetted by the Independent Directorate for Local Governance have been appointed by the President.

35. The Government has taken steps to address the growing problem of corruption. In August 2006, an inter-institutional committee was established to assess corruption in the public sector; a draft national anti-corruption strategy has been developed, with assessments of ministries to evaluate their vulnerability to corruption being carried out, both with the support of UNDP and the United Nations Office on Drugs and Crime; and the United Nations Convention against Corruption, signed in August 2007, awaits formal ratification. In the interim, the Ministry of Justice has carried out a study on legal provisions in need of amendment to ensure conformity with that Convention. While anti-corruption action is welcome and necessary, additional clarity is required on the roles of the various bodies established to deal with corruption. In addition, the Advisory Board on Senior Appointments, established in September 2006 and a Compact benchmark, is yet to become fully operational. At its seventh meeting, the Joint Coordination and Monitoring Board called for the rules of procedure of the Advisory Board to be decided upon and implemented before the next meeting of the Joint Coordination and Monitoring Board, scheduled for May 2008.

VII. Human rights

36. Throughout 2007, progress on human rights in Afghanistan was limited. The media and civil society have little scope to discuss human rights issues and to call Government officials and other power brokers to account. Some continue to argue that human rights contradict local traditions and are a "luxury" Afghanistan cannot afford.

37. The United Nations High Commissioner for Human Rights, during her visit to Afghanistan in November 2007, addressed these arguments, stressing the need for the Government and its international partners to reaffirm the centrality of human rights to peace, security and the rule of law. The High Commissioner also expressed her disappointment at the lack of progress on transitional justice and called for a recommitment to an approach that includes truth-seeking and rehabilitation. UNAMA is working with the Government, relevant stakeholders and civil society to revitalize the Action Plan on Peace, Reconciliation and Justice and adopt a more victim-centred approach. While civil society groups are increasingly active on transitional justice, those who are calling for justice and investigating or reporting on human rights abuses are often harassed, threatened or censored.

38. Freedom of expression is increasingly under threat from anti-Government elements, which use tactics of intimidation, as well as from restrictions placed on journalists and media outlets by the Government itself. In November 2007, the Ministry of Information and Culture issued a circular requesting all electronic media to refrain from broadcasting content that might "disturb the public". In January 2008, a journalist was sentenced to death for blasphemy by a first instance court in closed session and without a defence lawyer. The case has garnered international attention and sparked debate on freedom of expression within Afghanistan.

39. The case of the journalist exemplifies the serious shortcomings of the criminal justice system of Afghanistan, as also confirmed by the October 2007 joint UNAMA and Afghanistan Independent Human Rights Commission Arbitrary Detention Verification Campaign update and by the UNAMA Legal System Observation Project. The 15 death sentences carried out in Kabul on 7 October 2007, by a firing squad and in secret, are of grave concern. While bearing in mind recent calls by the General Assembly for a moratorium on the death penalty, international human rights obligations require Afghanistan not to carry out death sentences unless the highest standards of due process have been respected.

40. Cases of torture and ill-treatment of detainees held by the Afghan authorities continue to be reported. In this regard, the absence of effective oversight of the National Directorate for Security is of particular concern. UNAMA is unable to assess allegations of prolonged and arbitrary detention and ill-treatment in places of detention run by international military forces, such as Bagram, because unsupervised access has not yet been granted.

41. Children continue to be the victims of insurgency-related violence. Significantly, the Taliban have been listed in the report of the Secretary-General on children and armed conflict (A/62/609-S/2007/757), triggering United Nations consultations for the establishment of a monitoring and reporting mechanism on violations against children by armed groups, as called for in Security Council resolution 1612 (2005).

A. Protection of civilians

42. There is substantial evidence that anti-Government elements, as part of a campaign of intimidation, have targeted civilians seen to be supporting the Government. Inadequate measures to prevent civilian casualties by international forces have also resulted in several serious incidents. In response, procedures regarding escalation of force and standard operating procedures for aerial engagement have been reviewed by international forces.

43. UNAMA and the Afghanistan Independent Human Rights Commission have increased their efforts to ensure greater understanding on the part of military actors regarding their responsibilities under international humanitarian and human rights laws. The importance of impartial and independent investigations of incidents involving civilian casualties has been emphasized at both the subnational and national levels through case-specific follow-up and information exchange.

B. Gender

44. Tangible improvement in the status of women remains a major challenge, despite numerous Government policies and programmes addressing gender issues. Implementation of the National Action Plan for the Women of Afghanistan has begun through pilot projects. Further progress will depend on political will, the availability of resources and implementation capacity.

45. There has been some progress on women's economic advancement, with women constituting 66 per cent of microfinance borrowers and 38 per cent of the participants in the National Skills Development Programme. In partnership with the United Nations Development Fund for Women (UNIFEM) and the Ministry of Women's Affairs, the Independent Administrative Reform and Civil Service Commission adopted a gender equity policy to strengthen the participation of women in the civil service.

46. Nonetheless, violence and harmful practices against women and girls remain a cause for serious concern. In 2007, UNAMA received over 2,000 complaints of gender-based violence. Better coordination to tackle violence against women is being pursued at the policy level through the Inter-Ministerial Commission on Violence against Women and numerous community-level initiatives. The collection and analysis of data on violence against women is being systematically institutionalized into the work of relevant ministries. A special fund for the protection of women at risk has been set up by UNIFEM with the support of the Office of the United Nations High Commissioner for Refugees. However, the systematic failure to ensure women's access to justice and protection from violence and a tendency to criminalize female victims still need to be addressed. An improvement in women's enjoyment of their rights requires greater accountability on the part of national authorities, as well as monitoring of the implementation of Government commitments, particularly the 13 gender-equity benchmarks of the Compact.

VIII. Humanitarian situation

47. Owing to insecure conditions, United Nations agencies are unable to operate in 78 districts in the south of the country. United Nations road missions to almost all districts in the south have been suspended for several months. With the looting of convoys on the Kandahar-Farah road, WFP has faced problems in transporting food and other vital assistance to Herat, the hub from which aid is delivered to provinces in the western region, which have been most affected by harsh winter conditions. While the effects of insecurity in the south of the country have been widely reported, the Afghanistan Non-Governmental Organization (NGO) Safety Office has reported that in 2007 over half of fatalities of NGO personnel occurred in the north, mainly in connection with economically motivated crimes.

48. Severe winter conditions, judged as the harshest in 30 years, have further limited humanitarian access to communities in remote areas. The western provinces of Badghis, Farah, Ghor and Herat were the hardest hit, with over 800 winter-related deaths. Although humanitarian supplies were pre-positioned in anticipation of the crisis, the security situation, impassable roads and the lack of local logistical capacity led to aid not being delivered in a timely manner to all those in need. Insufficient in-country air assets and restrictive policies on the use of international assets also limited aid agencies' capacity to reach remote areas. The 2007/08 winter emergency demonstrated that national disaster preparedness and response capacity need significant strengthening. UNAMA is responding to a Government request for support in this respect.

49. In November 2007 the humanitarian country team was established to strengthen coordination and ensure equal partnership within the humanitarian community. The team brings together United Nations agencies and NGOs, with the International Red Cross and Red Crescent Movement as an observer. Humanitarian regional teams are being established in all UNAMA field offices.

50. Civil-military coordination remains an integral part of the humanitarian agenda. As far as material assistance is concerned, provincial reconstruction teams can bring significant logistical capacity and other vital assistance, particularly where security is more volatile. To enhance cooperation with provincial reconstruction teams and other military actors, Afghanistan-specific civil-military cooperation guidelines have been updated by Oxfam and reviewed by other NGOs, the United Nations, the International Red Cross and Red Crescent Movement and the Government. It is hoped that the guidelines, once adopted, and the Civil-Military Working Group can ensure an effective working relationship with military forces in the humanitarian sphere.

51. A joint Government and United Nations appeal to address the humanitarian consequences of the rise in food prices was launched on 24 January 2008, to mitigate the steep rise in the price of wheat flour across the country. WFP, the World Health Organization and UNICEF appealed for $81.3 million to assist 2.55 million Afghans. WFP alone asked for immediate contributions of $77 million to provide 89,000 tons of food to vulnerable Afghans living in both rural and urban areas. The appeal is aimed at preventing malnutrition, targeting in particular children under five and pregnant and nursing women.

52. In 2007, 365,410 Afghans voluntarily returned to Afghanistan, bringing the overall assisted repatriation figure since 2002 to 4,090,602. There are indications,

however, that the rate of voluntary repatriation will be difficult to sustain in the future owing to a combination of deteriorating security, limited economic and social opportunities and the fact that over 80 per cent of the estimated remaining 2.8 million Afghan refugees have been in exile for over two decades. In recognition of this complex challenge, at its sixth meeting the Joint Coordination and Monitoring Board endorsed the proposal of the Government of Afghanistan to hold an international conference on return and reintegration in 2008.

IX. Afghanistan National Development Strategy, Joint Coordination and Monitoring Board and economic development

53. The Government of Afghanistan is finalizing the Afghanistan National Development Strategy — the country's main national planning and budgeting exercise and principal poverty-reduction strategy. The strategy recognizes that poverty and lack of access to food, medical care and education remain major obstacles to equitable and sustainable socio-economic development. Progress continues in several sectors: the basic package of health services now covers 82 per cent of the population, and the gross enrolment in schools is estimated to have increased in 2007 to 5.7 million, with girls constituting 35 per cent of that figure. On the other hand, 80 per cent of the population is still without access to electricity.

54. The development of the Afghanistan National Development Strategy, and in particular the country-wide consultations that took place during the planning process, have strengthened public policy dialogue over key security, economic and development issues. Provincial development plans have been developed for all 34 provinces; 18 sector strategies have been finalized, and the priority sectors of the Development Strategy (education, health and roads) have been costed for the next fiscal budget. UNAMA has worked closely with UNDP in engaging donors and obtaining their feedback on the draft sector strategies. It is expected that the Development Strategy will be completed by March 2008. The Government expects that, once the implementation of the Development Strategy is under way, donors will align their spending with its priorities.

55. Separately, in preparation for the country's first nationwide population and housing census, scheduled for August 2008, the Central Statistics Office and the United Nations Population Fund conducted a pilot census to test and refine the census methodology. That exercise, which listed all households in the country, provides important baseline data. The actual census, whose results will be critical to the implementation of the Afghanistan National Development Strategy, faces challenges owing to the security situation and the need to address the $28 million funding shortfall.

56. The non-opium economy has grown at an average of 12 per cent over the past four years, and during the reporting period per capita gross domestic product (GDP) nearly doubled, to $289. Investment in the natural resources of Afghanistan has begun, including a pledge to invest $3 million to set up mining operations in Logar province. Nonetheless, an estimated 34 to 42 per cent of the country's population lives below the poverty line. Much of the economy's impressive growth is, unfortunately, indirectly related to the illegal drug industry and the significant

amounts of foreign aid. Furthermore, higher prices of imported fuel and foodstuffs led to an increase in consumer prices, with inflation reaching 17 per cent in December 2007, demonstrating the vulnerability of the country's economy to exogenous shocks.

57. The Government's mechanisms to spend development resources, though in need of further strengthening to speed up disbursements, are improving. Expenditure in 2007 was $167 million higher than in the previous fiscal year. The Government should be able to disburse approximately 60 per cent of its development budget by the end of March 2008, compared to only 54 per cent by the end of March 2007. Over two thirds of international assistance, however, is channelled outside the Government's core budget.

58. Revenue collection should reach 8.2 per cent of GDP in 2008, meeting the target set in the Afghanistan Compact for 2010, though falling short of the target set under the Poverty Reduction and Growth Facility of the International Monetary Fund (IMF). The revenue-to-GDP ratio remains one of the lowest in the world, and revenue is just enough to meet approximately two thirds of the Government's operating budget, with the entire development budget financed by external assistance. IMF has raised serious concerns about the Government's shortfall in meeting its commitments under the Poverty Reduction and Growth Facility.

X. Mission operations and support

59. UNAMA continued to make full use of its liaison offices in Islamabad and Teheran in all its activities with a regional dimension; it maintained its eight fully integrated regional offices in Bamyan, Gardez, Herat, Jalalabad, Kabul, Kandahar, Kunduz and Mazar-e-Sharif and strengthened the nine provincial offices in Badakhshan, Badghis, Day Kundi, Faryab, Ghor, Khost, Kunar, Nimroz and Zabul. While vacancy rates and staff retention remain challenging issues, mainly because of the security situation, the UNAMA expansion has increased connectivity with local authorities, local communities and other stakeholders operating at the subnational level. The provincial offices are an invaluable medium for UNAMA good offices and outreach activities.

60. Recognizing the urgent need for the Government of Afghanistan to take vigorous action on counter-narcotics, as well as to overcome policy differences among key ministries and among international donors supporting them, UNAMA is exploring with the United Nations Office on Drugs and Crime the possibility of designating a senior adviser to support the Government, at the highest level. Similarly, UNAMA is exploring the possibility of recruiting a senior adviser on elections to provide political and technical guidance for the upcoming registration and electoral process, as well as to oversee United Nations technical assistance.

61. Acknowledging the need for urgent support to the Government of Afghanistan in strengthening the justice system at the subnational level, justice programmes are being launched in the provinces. The United Nations will reinforce these efforts by collaborating with local government officials, through the Provincial Justice Coordination Mechanism. To this end, in partnership with UNDP, 10 international provincial justice coordinators will be recruited and deployed to UNAMA offices throughout the country.

62. The development of synergies between UNAMA, security forces and the Government, particularly in the field, is critical. This requires an increase in key UNAMA personnel. An increase in the size of the UNAMA Military Advisory Unit to a ceiling of 20 officers is required to deliver the specialist advice called for in these circumstances. There is also a need to expand the UNAMA Police Advisory Unit by adding five more police advisers to its present strength of four in order to deploy advisers to all UNAMA regional offices and thus provide advice to provincial police departments.

XI. Mandate

63. The overall mandate of UNAMA, determined in 2006 in consultation with the Government of Afghanistan following the formal completion of the political elements of the Bonn process, remains essentially sound, sufficiently comprehensive and still appropriate for the current circumstances. I would therefore recommend that the mandate, which was renewed by the Security Council in its resolution 1746 (2007) until 23 March 2008, be extended for a further 12 months, and furthermore that the specific tasks to be carried out by UNAMA as enumerated in document A/60/712-S/2006/145, paragraphs 51 to 59, also remain unchanged over the next 12 months.

64. On 23 September 2007, in the margins of the sixty-second session of the General Assembly, President Karzai and I jointly convened a high-level meeting of members of the Joint Coordination and Monitoring Board to reaffirm and strengthen the partnership between the Government of Afghanistan and the international community. Emerging from that meeting was a reassertion of the central and impartial role of the United Nations in leading efforts of the international community, and the need for the UNAMA coordination capacity to be strengthened. The guiding principle of UNAMA activities is to reinforce Afghan leadership and strengthen international cohesion in support of that leadership. In order to achieve this, within the existing mandate, the following points of emphasis should guide UNAMA activities:

(a) *Enhanced coordination.* Meeting the goals of the Afghanistan Compact remains the central joint task of the Government of Afghanistan and the international community. Co-chairing the Joint Coordination and Monitoring Board with the Government of Afghanistan, UNAMA has a particular responsibility for promoting coherent support by the international community for the Government, as well as adherence to the principles of effectiveness of aid to Afghanistan enumerated in the Compact (annex II). In particular, UNAMA will urge: (i) increasing the degree to which international assistance is provided within the framework of a prioritized Afghanistan National Development Strategy and through the core budget, including by helping the Government establish appropriate fiduciary instruments; and (ii) increasing the reporting of assistance to the Government's Aid Coordination Unit and the Joint Coordination and Monitoring Board. Where there remain policy differences in the international community, the United Nations will seek, in close cooperation with relevant Afghan authorities, to resolve those differences so as to provide the basis for clear and effective action.

(b) *Political outreach.* The UNAMA mandate calls on the Mission to "extend its good offices through outreach" (Security Council resolution 1746 (2007),

para. 4). This outreach embraces two broad concepts. The first is day-to-day efforts by UNAMA regional and provincial offices to link Afghan communities to their Government and to promote the implementation of the Compact. Activities under this concept include promoting human rights and the rule of law, facilitating coordination of humanitarian aid and development priorities and transmitting grievances to relevant government officials. The approval of additional international posts for UNAMA regional and provincial offices in its 2008 budget will increase the Mission's outreach capacity. The second activity stems from the recognition that there are actors within Afghanistan who are opposing the Government but whose differences can be reconciled within the framework of the Constitution. UNAMA, if requested, stands ready to use its good offices to promote such reconciliation. It is clear that these activities can be carried out only with the approval of the Government and with full respect for the Constitution and the sanctions regime established by the Security Council, in particular through its resolution 1267 (1999).

(c) *Subnational governance*. The Independent Directorate for Local Governance provides an institutional mechanism for strengthening subnational governance and linking it more effectively to line ministries in Kabul. Prospects for accountable governance and rule of law are particularly strong at the local level. UNAMA will support, through its regional and strengthened provincial offices, efforts to improve local-level governance, in particular through the Independent Directorate, as well as local-level development initiatives that help bring the benefits of peace in a timely and sustainable manner.

(d) *Humanitarian coordination*. Exacerbated by continuing insecurity, humanitarian needs in Afghanistan remain high, placing a correspondingly heavy burden on the UNAMA humanitarian coordination role. UNAMA will continue to play a central coordinating role to deliver humanitarian action in accordance with humanitarian principles and with a view to building the capacity of the Government at the central and local levels to enable it to increasingly meet humanitarian needs. In particular, UNAMA must provide effective support to national and local authorities in assisting and protecting internally displaced persons and to creating conditions conducive to the voluntary, safe, dignified and sustainable return of refugees and internally displaced persons. The protection of civilians must continue to remain a central focus of UNAMA activities.

(e) *Elections*. Unlike the previous elections in Afghanistan in 2004 and 2005, the next elections will be implemented and overseen by the Afghan Independent Electoral Commission. This will, however, require important financial and technical support from the international community. UNAMA is willing to play a role in supporting the electoral process by providing technical assistance, coordinating all international actors providing assistance and channelling international funds earmarked to support Afghan electoral institutions. Additional resources may be required to fulfil this important role.

(f) *Strengthened cooperation with ISAF*. The resilience of anti-Government elements requires cooperation with ISAF, including in planning and strategic processes. The main objectives of the strengthened cooperation between UNAMA and ISAF, in accordance with their existing mandates, are: (i) exchanging information in real time in order to generate a common assessment of the state of resistance to the Government and of strategic requirements to combat this resistance; (ii) identifying tasks that need to be carried out by ISAF, the assistance

community (including NGOs and provincial reconstruction teams), the Government of Afghanistan, UNAMA and other United Nations entities in order to strengthen Government institutions and their work throughout the country; and (iii) to ensure that the activities of all of these entities are mutually supportive of an Afghan-led development and stabilization process.

XII. Observations

65. **In 2006 the Afghanistan Compact launched a five-year partnership with the international community to improve the lives of the Afghan people. Since then, there have been major achievements and the scale of international support has grown. At the same time, terrorism and insurgency have intensified, inhibiting the peace process. State-building and international coordination have proved challenging. Participants in the seventh meeting of the Joint Coordination and Monitoring Board agreed that in order to consolidate gains that have been achieved and to face the challenges ahead, all partners needed to intensify their common efforts. The Afghanistan National Development Strategy remains the foundation for such efforts, though some prioritization may be required, under the leadership of the Government of Afghanistan, to overcome obstacles to implementation.**

66. **To meet the security challenge and stabilize Afghanistan, a common approach is needed that integrates security, governance, rule of law, human rights and social and economic development. The partnership between the Government, ISAF, the United Nations and the international community remains essential to this approach, which must also be aimed at implementing, under Afghan Government leadership, the shared vision of the Compact, with parliamentary, civil society and private sector support. As the Afghanistan National Development Strategy enters an implementation phase, a new focus on sequencing and delivery mechanisms will be required.**

67. **The development of the Afghanistan National Development Strategy is expected to be completed by the end of March 2008. Key issues and risks facing the Development Strategy include the Government's ability to fulfil its commitments under the Poverty Reduction and Growth Facility, generate donor support to meet its resource requirements and gear up its implementation mechanisms. I welcome the offer of France to host a conference in Paris in June 2008, not only to support the finalization, launch, financing and implementation of the Development Strategy, but also to review the implementation of the Afghanistan Compact more broadly.**

68. **Subnational governance is a key priority of the Government, and the international community appreciates the establishment of the Independent Directorate for Local Governance, which will have to respond effectively to high domestic and international expectations. Its success will depend on continued political will, as well as on support by donors. Attention should be focused particularly on the development of synergies at the district level between programmes addressing governance, police reform, rule of law, the disbandment of illegal armed groups and counter-narcotics challenges.**

69. **Preparations must begin immediately on voter registration and planning for the next elections. This requires decisions by the Afghan authorities on**

electoral dates and the adoption of electoral legislation. The international community will need to begin mobilizing funds to support these vital processes, especially that of voter registration, which must start in the summer of 2008 in order for elections to be held in 2009.

70. **The International Police Coordination Board, now under the chairmanship of the Ministry of the Interior, is playing an increasing role in policy-setting and coordination. On the basis of recommendations made to the Joint Coordination and Monitoring Board at its seventh meeting, it will oversee a review of the institutional development of the Ministry of the Interior, as well as the development of a policing vision that balances the needs of law enforcement and counter-insurgency. Such a vision cannot be achieved without the rule of law, and I welcome the development of the National Justice Programme and the support it has attracted from donors.**

71. **One of the most positive outcomes of the seventh meeting of the Joint Coordination and Monitoring Board was an agreed approach on counter-narcotics. Priority will now be placed on delivery of the agreed implementation plan, including the province-based approach, and the restructuring and reform of the Counter-Narcotics Trust Fund to enable speedier disbursements. The Government will need to muster the political will to seek to meet the agreed eradication target of 50,000 hectares, take measures against public officials linked to the narcotics trade and convict high-level traffickers and large landowners engaging in poppy cultivation. Decisive action on the part of the Government of Afghanistan in this respect is urgently needed. In addition, Member States should make concrete use of Security Council resolution 1735 (2006), which calls for the identification of drug traffickers in the context of its sanctions regime.**

72. **The centrality of a human rights-based approach to stability and development needs to be reaffirmed. Technical, financial and political support by the Government and the international community is critical for the Ministry of Justice to effectively fulfil its role as lead agency for coordinating and reporting on the successful integration of human rights within the Afghanistan National Development Strategy process.**

73. **Allegations of torture and arbitrary detention were highlighted by the United Nations High Commissioner for Human Rights during her November 2007 visit. The resulting constructive dialogue and access to previously inaccessible detention facilities should be built upon so as to ensure that all detentions and trials are conducted in a transparent manner and in compliance with international standards.**

74. **I would like to express my gratitude to my Special Representative, Tom Koenigs, who completed his assignment on 31 December 2007, for his hard work and perspicacity throughout his tenure. I am making earnest efforts to locate a successor who will enjoy the full confidence of the Government of Afghanistan and the international community. In the meantime, I should like to thank my Acting Special Representative, Bo Asplund, and all of the Mission's personnel for their commitment and perseverance. I should also like to thank all of the Mission's partners, including the United Nations country team, as well as other humanitarian agencies, Member States and other international organizations for the support they continue to lend to the work of UNAMA.**

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6 March 2008

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General Assembly
Sixty-second session
Agenda items 17 and 32

Security Council
Sixty-third year

The situation in the Middle East

United Nations Relief and Works Agency for Palestine Refugees in the Near East

Letter dated 3 March 2008 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I have the honour to transmit herewith a letter regarding the uprooting of 370 cherry and apple trees belonging to the Syrian citizen, Majed Fadel-Allah Abou-Awad on 23 February 2008 by Israel, the occupying Power (see annex).

I would highly appreciate it if the present letter and its annex were circulated as a document of the General Assembly, under agenda items 17 and 32, and of the Security Council.

(*Signed*) Bashar **Ja'afari**
Ambassador
Permanent Representative

08-26394 (E) 070308 070308

Annex to the letter dated 3 March 2008 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General

[Original: Arabic]

3 March 2008

Israel continues to occupy the Syrian Golan in a manner contrary to the letter and spirit of the United Nations Charter and in violation of the relevant resolutions adopted by the Security Council and the General Assembly.

The continuing Israeli violations of the resolutions of international legitimacy and of international laws, customs and covenants, including international humanitarian law, are common knowledge; not content with its violations of the human rights of the Syrian Arab population of the occupied Golan, the Israeli Government has now gone on to include damage to the environment and to the means of livelihood of the Syrian population of the Golan. In that context, on 23 February 2008, the Israeli occupation authorities uprooted 370 cherry and apple tree seedlings in the occupied Golan which belonged to the Syrian citizen Majed Fadel-Allah Abou-Awad, a resident of the occupied Syrian village of Buq'ata, in an attempt to alter the demographic character of the Golan and to affect the commitment of the population to their territory and their homeland.

The practices of the Israeli Government in the occupied Golan, specifically in connection with the uprooting of trees, are not new but are a systematic and long-standing policy. On an earlier occasion, on 27 September 2007, they uprooted 150 cherry tree seedlings belonging to Salim 'Uwaydat, a Syrian resident of the occupied village of Majdal Shams. In holding the Israeli authorities, as the occupying Power, fully responsible for the material and moral injury inflicted on Syrian citizens in the occupied Syrian Golan as a result of the aggressive Israeli violations, we call on the international community and the United Nations to assume their responsibility to exert pressure on Israel to cease these practices which are incompatible with the Fourth Geneva Convention and with Israel's responsibilities as the occupying Power.

The delegation of my country appeals to you, and through you to the United Nations and its competent bodies, to prevail on Israel not to repeat such practices, which are contrary to the most elementary international laws, covenants and customs.

The delegation of my country requests that this letter be circulated as a document of the United Nations.

(*Signed*) Bashar **Ja'afari**
Ambassador
Permanent Representative

United Nations A/62/724–S/2008/163

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Sixty-second session
Agenda item 20
The situation in the occupied territories of Azerbaijan

Security Council
Sixty-third year

Letter dated 5 March 2008 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

I would like to inform you about the latest developments in the occupied territories of Azerbaijan. Since early morning on 4 March 2008, the Armenian occupying forces have grossly violated the ceasefire regime, which led to escalation.

The Azerbaijani Army repulsed the attacks and delivered a heavy blow to the occupying forces. There are casualties. Four Azerbaijani military personnel were killed and one was injured. The Armenian forces lost 12 military personnel and 15 were injured. In accordance with the information received from the Armenian officials, one member of the Armenian military personnel was blown up on a mine, which proves the fact that the Armenian forces were on the attack.

This is a clear provocation by Armenia. By violating the ceasefire regime Armenia tries to conceal the internal tension after the presidential elections held on 1 March 2008 from the attention of the international community.

The international community, namely, the United Nations press release (SG/SM/11447), the European Union High Representative for Common Foreign and Security Policy (S093/08), the European Union Presidency (http://www.eu2008.si/en/News_and_Documents/CFSP_Statements/March/0403MZZ_Armenia.html), the Secretary-General of the Council of Europe (www.coe.int/press) and the President of the Parliamentary Assembly of the Council of Europe (press release 151 (2008)), expressed their deep concern about the situation in Yerevan after the presidential elections, in particular about the excessive use of force by the Armenian authorities against the demonstrators, as a result of which at least 8 people have been killed and scores of people were injured.

The violation of the ceasefire regime by Armenia is clearly directed to divert the attention of its citizens and the international community from the internal difficulties.

08-26400 (E) 070308

Use of force obviously has already become a traditional method not only in the foreign policy, but also in the domestic policy, of the Armenian Government. That is a very unfortunate fact.

I should be grateful if the present letter were urgently circulated as a document of the General Assembly, under agenda item 20, and of the Security Council.

(*Signed*) Agshin Mehdiyev
Ambassador Extraordinary and Plenipotentiary
Permanent Representative

United Nations A/62/725–S/2008/164

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General Assembly
Sixty-second session
Agenda item 17
The situation in the Middle East

Security Council
Sixty-third year

Letter dated 6 March 2008 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General

On the instructions of my Government, I have the honour to transmit to you herewith a letter setting out the position of the Syrian Arab Republic concerning the sixth report of the Secretary-General on the implementation of Security Council resolution 1701 (2006) (see annex).

I would highly appreciate it if the present letter and its annex were circulated as a document of the General Assembly, under agenda item 17, and of the Security Council, before the date of discussion of that report by the Security Council.

(*Signed*) Bashar **Ja'afari**
Ambassador
Permanent Representative

08-26503 (E) 070308 070308

Annex to the letter dated 6 March 2008 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General

[Original: Arabic]

1. Syria reaffirms its condemnation of the aggression committed by Israel against Lebanon in July 2006 which resulted and continues to result in death and injury to thousands of innocent Lebanese and in the adoption by the Security Council of resolution 1701 (2006). The Syrian Arab Republic emphasizes the necessity of implementing that resolution unselectively and without targeting those who were the principal victims of that tragic aggression, particularly as the resolution was adopted above all to put an end to the Israeli aggression against Lebanon in July 2006.

2. The Syrian Arab Republic reiterates its request to the Security Council to assume its responsibilities impartially and on a basis of neutrality and to take up the matter of Israel and punish it for its persistent violations of resolution 1701 (2006) on a more or less daily basis as emphasized by the Secretary-General in paragraphs 17 and 29 of his most recent report. He referred in paragraph 17 to the fact that UNIFIL had observed a significant number of Israeli air violation of Lebanese airspace. A particularly large number of air violations were reported on 7 and 11 February 2008 over Lebanese territory and its territorial waters, and a number of aircraft were flying at low altitude, including over UNIFIL headquarters in Naqoura. The report stated that, on 17 February 2008, in other words on a single day, 36 air violations had been recorded. The Permanent Representative of Lebanon in his most recent letter dated 15 February 2008 had mentioned that, during the period covered by the report, there had been 247 air violations, 27 sea violations and 118 land violations and he added that these Israeli violations, particularly those on land, had become systematic and that Israel had deliberately and repeatedly infiltrated Lebanese territory to kidnap Lebanese citizens as stated by the Secretary-General in paragraphs 9, 10 and 13. These violations which have been officially documented by the United Nations on the basis of the report of the Secretary-General, the reports of the UNIFIL command and the numerous letters sent by the Permanent Mission of Lebanon on a regular basis make it incumbent on the Security Council to call Israel to account and punish it for these violations and make it necessary for the Secretary-General to highlight the fact that such practices are a blatant violation of resolution 1701 (2006). We had expected the Secretary-General not to confine himself in paragraph 29 of his report to expressing concern at the continuation of these violations and not to take the view in paragraph 17 of his report that flights by Israeli warplanes over UNIFIL headquarters in Naqoura were merely routine formations or training exercises, particularly as the Secretary-General had described such violations in the same paragraph 17 of his report as constituting violations of Lebanese sovereignty and of resolution 1701 (2006). That being so, we would have hoped that the Secretary-General would be consistent with the import of said paragraph and would request the Security Council to call Israel to account for its violations of that resolution. A matter of still greater regret is that the Security Council has not once responded to the requests of Lebanon to put an end to the repeated Israeli violations despite the fact that certain active members of the Council claimed to be concerned about the stability and integrity of Lebanon and called for the adoption of resolutions and statements of condemnation against Lebanon whenever so requested by Israel.

3. The report reiterates the allegations concerning the smuggling of weapons across the Syrian-Lebanese border. In its earlier letters, the most recent of which was document S/2007/724 of 10 December 2007, Syria affirmed that those allegations were motivated by politics rather than by security considerations and that their purpose was to provide cover for Israel's constant violations of Lebanese sovereignty and of resolution 1701 (2006) and to involve Syria in the said resolution for reasons that are well known to all. This was affirmed in the report of the Secretary-General in paragraph 43 which referred to the fact that the joint force for border surveillance in Lebanon which comprises the four Lebanese security agencies whose area of operations extends some 130 kilometres along Lebanon's northern frontier with Syria had stated that "to date, the force has not discovered any case of smuggling of weapons in its area of operations". This important information from Lebanon is consistent with the statements made earlier by senior Lebanese officials denying the existence of any smuggling and is also consistent with the report of the Lebanon Independent Border Assessment Team (LIBAT) contained in document S/2007/382 of 26 June 2007 in paragraphs 45 and 120. Paragraph 45 stated that "Authorities did not present the Team with reports on seizure of weapons or ammunition at any of the four official border crossing points since the adoption of resolution 1701 (2006)." Similarly, paragraph 120 stated: "All seizures were of traditional smuggled goods, such as diesel fuel, clothes, cement or food. No seizures of weapons or explosives were made. Although a few seizures of illegal weapons have been reported, according to the border security agencies none were in direct connection with a border-crossing activity and none has been documented en route from across the Syrian border. In all cases known to the Team, the claim has been that they were internal weapons transports between different locations inside Lebanon."

4. The purpose of these Israeli allegations about weapons smuggling across the Syrian-Lebanese border is to find a pretext for Israel's violation of resolution 1701 (2006). As we pointed out in our earlier letters, no significance should be attached to these allegations because Israel is hostile to Syria and occupies part of its territory contrary to international law and to hundreds of relevant resolutions emanating from the General Assembly, the Security Council, the Human Rights Council and the specialized agencies of the United Nations as documented for decades by the Secretariat. The repetition of these allegations in the report of the Secretary-General is at variance with what is stated in paragraph 43 of the same report to the effect that the four Lebanese security agencies did not discover any case of smuggling of weapons in its area of operations on the Syrian-Lebanese border. That made it incumbent on the Secretariat not to reconsider those allegations, to disregard them and to consider the information provided by us and what was stated by the Permanent Representative of Lebanon in his most recent letter to the effect that "unsubstantiated allegations of illicit movements across the border serve no useful purpose". The role that we expect the Secretariat of the United Nations to play is to reduce any tensions in the relations between Member States in the region and not to fabricate problems that are used by certain parties to the detriment of the historic relations between two neighbouring Arab countries.

5. The Syrian Arab Republic reaffirms that, under international law, border demarcation is a bilateral matter pertaining to State sovereignty that should be resolved by the Syrian and Lebanese Governments. In that connection, we point out that we would have expected the Secretary-General to indicate in his report that the

real reason behind the delay in resolving the question of the Shab'a Farms, and of the Middle East in general, is Israel's continued occupation of those farms and the occupied Syrian Golan, and its refusal to comply with international resolutions. We would also have expected him to request Israel unequivocally to implement those resolutions and withdraw from occupied Syrian and Lebanese territories. Yet instead of mentioning Israel by name in paragraph 73 of the report, he chose to urge the Syrian and Lebanese Governments to take practical steps towards demarcating their common border, as though the Israeli occupation of Shab'a Farms had no relation to the matter at hand. We should like to reiterate that, as stated in our previous letters, the Syrian Arab Republic is prepared to begin demarcating the Syrian-Lebanese borders, starting from the north for reasons of practical necessity because the southern part of the common border, including the Shab'a Farms, is under Israeli occupation.

6. The Syrian Arab Republic reaffirms that contacts between the Syrian and Lebanese sides regarding control of their common borders have not ceased. In our letter of 2 November 2007, we notified the Secretary-General and the President and members of the Security Council that the two sides had met 17 times between 6 December 2005 and 29 August 2007. We will continue to inform the Secretariat and the Council of the outcome of future meetings. The continuation of these contacts confirms the responsible commitment of both sides to bilateral control of their borders.

7. The Syrian Arab Republic reaffirms that it has doubled the number of border guards on the Syrian side. We should also like to point out that, as the Secretary-General indicated in paragraph 29 of his report, the Syrian Arab Republic had requested a number of European States to provide it with technical equipment to assist it with monitoring its borders and training Syrian personnel to perform this task. However, it has yet to receive a response from those States, which have provided only the Lebanese side with the equipment requested.

8. The Syrian Arab Republic wishes to emphasize that the Palestinian presence in Lebanon is regulated by the Cairo Agreement of 1969 between Lebanon and the Palestine Liberation Organization, that those bilateral arrangements have nothing to do with the Syrian Arab Republic, and that all Palestinian positions in Lebanon are on Lebanese territory exclusively. Consequently, the Syrian Arab Republic is not responsible for any defects, should any exist, in the agreements signed by the Palestinian and Lebanese sides.

9. The Syrian Arab Republic condemns Israel's continued refusal to supply information on the cluster munitions it dropped during its brutal aggression against Lebanon in 2006, as well as its refusal to supply maps of landmines that, according to the Secretary-General's report, since 2006 "have led to 27 civilian fatalities and 209 civilian injuries, as well as 14 mine clearance fatalities (including one UNIFIL peacekeeper) and 34 mine clearance injuries". The Secretary-General affirmed in paragraph 74 that preliminary findings are that the information on cluster munitions provided by Israel on 5 February 2008 is of very limited value. We would have expected that the Secretary-General's report would not limit itself to merely calling on the Government of Israel — in neutral language — to provide the United Nations with this information, but would condemn the failure to provide the United Nations with these maps to date and call on the Security Council to assume its responsibilities and take measures to punish Israel, particularly in the light of the

large number of casualties that have been and continue to be caused by these internationally prohibited munitions, as noted by the Secretary-General in paragraph 51 of his report.

10. The Secretary-General states in paragraph 20 that "as long as the Israel Defence Forces remain in northern Ghajar, Israel will not have completed its withdrawal from southern Lebanon, in accordance with its obligations under resolution 1701 (2006)" and in paragraph 70 that that "constitutes a continuing violation of Lebanon's sovereignty, resolution 1701 (2006) and the Blue Line". In this regard, we would have hoped that the Secretary-General would not have confined his position in paragraph 20 to urging "the parties to take a constructive approach so that this ... issue can be resolved ...", but would have called on Israel to comply fully with Security Council resolution 1701 (2006) by withdrawing from the northern part of the Syrian village of Ghajar which was occupied in 1967.

11. Syria calls on others to respect the sovereignty, political independence and territorial integrity of Lebanon and the rule of non-interference in its internal affairs, in theory and in practice, to preserve the peace and security of this neighbouring country which has suffered considerably because of external intervention in its internal affairs. In this regard, we note that the unilateral decision by the United States administration to station five military ships off the coast of Lebanon on the pretext of protecting stability in Lebanon threatens stability in Lebanon and jeopardizes the efforts of UNIFIL.

12. Finally, Syria would like to reaffirm its enduring respect for the independence, sovereignty, territorial integrity and people of the fraternal and neighbouring Arab State of Lebanon, and its desire to maintain the best possible relations with it and to resolve all outstanding problems between the two countries, provided that such a desire is reciprocated by the Lebanese Government. Syria hopes that the Secretariat and certain members of the Security Council will exert a positive influence on relations between the two countries instead of attempting to fuel existing differences and create new ones that only serve those who wish to see a deterioration in the historical relations between the two fraternal peoples.